

APPROVED: Meeting No. 26-89

ATTEST: *Sharon Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 24-89

May 22, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on May 22, 1989, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Steve Abrams

Councilmember James Coyle

Councilmember Viola Hovsepian

Councilmember David Robbins

The Mayor in the Chair.

In attendance: City Manager Bruce Romer, City Attorney Paul Glasgow and City Clerk Sharon Gran.

Re: City Manager's Report

1. Mr. Romer reported that he was pleased to be a part of Student Government Days 89, and extended his appreciation to the students for their efforts, noting that he was looking forward to their presentations that evening.

2. The Planning Board will hear testimony on the Shady Grove Study Area Master Plan Amendment on Tuesday, May 23. The testimony of the Mayor and Council has been transmitted to the Park and Planning Commission. Mr. Romer indicated that he felt it important that the City be represented and that he was planning to be present for the hearing.

3. With respect to the proposed Baltimore-Rockville exchange/partnership program, four staff representatives from Rockville recently met with their counterparts in Baltimore. This exchange represents an excellent information sharing mechanism between the state's two largest cities, and a written proposal is forthcoming.

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4. The Candlelight Vigil held in Lincoln Park/David Scull Courts on Sunday evening, May 21, was very successful and staff was pleased to be involved in the program.

5. On June 5, the non-yard waste recycling pilot program will begin in two neighborhoods. At 11:00 a.m. on June 12, a media event (to which state and county officials have been invited) is scheduled to visualize the impact to the landfill of recycling versus non-recycling of refuse generated annually by an average single family home.

6. Last week, the City received approval of the Town Center as a targeted area pursuant to the State Action Loans for Targeted Areas (SALT) program. The City is now free to submit an application for financial assistance through the SALT program for the Rockville Arts Place.

7. The planning for Hometown Holidays is complete, and staff is looking forward to a successful event.

Mayor Duncan noted that the Recreation and Parks staff has done a fantastic job, and the sponsor contributions received are double what was anticipated.

Re: Presentation of proclamation
declaring May 21-27, 1989 as Drug
and Alcohol Abuse Prevention Week.

Proclamation No. 10-89

By a unanimous vote of the Mayor and Council, May 21-27, 1989 was declared "Drug and Alcohol Abuse Prevention Week" in Rockville. This week is set aside to focus community attention on the continuing need for education and outreach efforts on the effects of drug and alcohol abuse. Councilmember Robbins read the proclamation, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council.

The Mayor and Council awarded Certificates of Recognition to the following members of the David Scull Courts/East Rockville Community Action Team members for their

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diligent efforts in combatting drug abuse in their community:

Janice Battle
Jason Dubrasky
Elizabeth Evans
Diane Johnson
Estella Mason
Sharon Matsui
Judy McRoy
Lydie Olayide Taiwo

Linda Dubrasky
Sharon Dubrasky
Melvin Hall
Donna Johnson
Cory Matsui
Michael Matsui
Julian Meertens

Re: Presentation of proclamation
declaring June 4-10, 1989 as Safe
Boating Week.

Proclamation No. 11-89

By a unanimous vote of the Mayor and Council, June 4-10, 1989, was declared "Safe Boating Week" in Rockville. Councilmember Abrams read the proclamation, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council. D. Roger Picard of the Rockville Power Squadron accepted the proclamation and conferred upon the Mayor an honorary membership in the Rockville Power Squadron.

Re: Presentation by Rockville Lioness
Club.

Kay Mitchell of the Rockville Lioness Club presented Rockville City Police Chief Terry Treschuk with a donation of teddy bears in conjunction with the "bear hug" project to comfort children in trauma.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

Richard Arkin, 525 Lynch Street, conveyed to the Mayor and Council his concerns regarding the proposed changes to the election ordinance and noted his dissatisfaction that a public hearing had not been held in this matter.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

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Re: Presentation by Student Government
Days participants.

Twenty students from four area high schools have worked for three weeks on selected issues related to local government and presented their findings to the Mayor and Council for their consideration. The students researched and prepared recommendations on the following four issues:

1. How can Rockville encourage high school and college graduates from Rockville to remain in the City. Students participating in this project were: Matt Calderone, Leon Hammonds, Ron Perera, Michelle Powell and Michael Seelman.

2. An evaluation of City park facilities for safety, quality and accessibility. Alyssa Archer, Matt Bell, Paul Kasper, Jamie McMullin, Trissy Neale and Karyn Steinbach were the student participants in this project.

3. Assessment of police-community relations and, in particular, relations with youth. Stephanie Blair, Jon Frome, Shadia Garrison and Amanda Garzon were the students involved in this assessment.

4. Rockville's drug enforcement and community outreach program and ways it can be improved. Participating students were: Dave Ashton, Jared Baker, Basil Eldadah, Adria Popkin and Josh Stolker.

Mayor Duncan left the meeting at approximately 8:00 p.m. during this presentation and returned to the meeting at approximately 9:00 p.m. before the students had concluded their presentations.

Certificates of Recognition were presented to the students by the Mayor and Council. Mayor Duncan noted that this is one of the most worthwhile programs the City offers and that the students learn of the program primarily through word-of-mouth from former participants.

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Re: Approval of Minutes

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 19-89 (May 1, 1989) were approved as corrected.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, by a vote of 4-0, the minutes of Meeting No. 20-89 (May 8, 1989) were approved as written. Councilmember Abrams abstained from the vote since he was not present at the May 8 meeting due to travel leave.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 21-89 (May 10, 1989) were approved as corrected.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 22-89 (May 15, 1989) were approved as written.

Re: Appointments

Upon motion of Councilmember Abrams, duly seconded by Councilmember Hovsepian and unanimously passed by a vote of 4-0, individual appointments were made to the Boards and Commissions listed below. Councilmember Coyle was not present while this vote was taken.

Landlord-Tenant Affairs Commission
Gary Scott (Landlord-Alternate)

Human Rights Commission
Jeffrey Hull
Jorge Chiofalo
Rawleyn Soberano

Retirement and Disability Board
Larry Owens (Reappointment)

Re: Consent Agenda

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Approval of waiver for on-site Storm Water Management for the property at Forest Avenue in the Watts Branch drainage area,

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and acceptance of a \$4,800 contribution for the off-site SWM fund.

The developer, William Goetzenburger, plans the construction of a single family house.

- B. Approval of waiver for on-site Storm Water Management for the property at Ashley Manor Drive in the Rock Creek drainage area, and acceptance of a \$12,800 contribution for the off-site SWM fund.

The developer, MBA Enterprises, plans the construction of three single family houses.

- C. Award of Bid No. 55-89 for the purchase of one 20,000 GVW dump truck from Central GMC, Landover, for \$20,861.47.

This purchase would provide a replacement vehicle for the Public Works department.

- D. Award of Bid No. 102-89, covering the construction of additional traffic lanes on West Gude Drive between Piccard Drive and Route 355, to F.O. Day Company, Inc. for \$538,856.25.

F.O. Day was the low bidder on this project which is the final phase of the W. Gude Drive improvement.

- E. Motion to authorize the City Manager to execute a document for granting the State Highway Administration (MDSHA) a storm drainage easement on City property adjacent to Montrose Road.

- F. Introduction of Ordinance for levy of special assessment charges against seventy-seven properties for drive apron construction performed by the City.

- G. Introduction of Resolution to enlarge the corporate boundaries of the City of Rockville to include 27,137 sq. ft. of land, more or less, of SPI Limited Partnership (X-106-89).

This property is located near Shady Grove Road and Research Boulevard.

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- I. Introduction of Ordinance to amend Chapter 3, "Personnel Regulations," Section 3-1.14, "Retirement Benefits," of the "Laws of Rockville" so as to set forth those employees who are eligible to participate in the City's retirement system.
- K. Introduction of Resolution to amend the Charter of the City of Rockville so as to provide for one-quarter year property tax levy and such other periodic tax levies as may be authorized by state law; to clarify provisions relating to the rate of interest for payment of late taxes and to make other clarifying technical amendments.

Resolution No. 11-89

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Resolution No. 11-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to provide for public hearing and notice in connection with the annexation of 27,137 square feet of land, more or less, of SPI Limited Partnership (Annexation Petition No. X-106-89).

This property is located on the west side of Interstate 270, approximately 500 feet south of the intersection of Shady Grove Road and Interstate 270.

Resolution No. 12-89

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Resolution No. 12-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to establish certain civil service positions as non-merit civil service positions.

A decision was made several years ago to establish a nonmerit segment of the classified service. After review, it was decided that certain positions should be returned to the merit system. This resolution implements that decision.

Re: Adoption of ordinance to amend
Chapter 4 of the "Laws of Rockville,"

entitled "Elections" so as to eliminate all references to campaign managers; to add a definition of campaign material; to substitute the term "political committee" for "political organization" wherever it appears; to eliminate the definition for write-in candidates; to revise training requirements for election judges; to provide for the appeal of a decision of an election judge; to provide for removal of persons from City voting rolls under certain conditions; to require that any citizen referendum petitions be filed at least 45 days prior to any general election; to extend the deadline for applications for absentee ballots; to provide for the promulgation of procedures permitting handicapped persons to vote in a location not greater than 100 feet from an entrance to the polling place; to modify the equipment with which election judges may assist voters; to clarify the prohibitions on participation in a campaign by members of the Board of Supervisors of Elections; to revise qualifications for a person serving as treasurer or chairman of a political committee; to provide that a "slate" shall be deemed to be a political committee; to expand on requirements for political committee which becomes inactive or chooses to disband; to clarify that candidates are subject to contribution and assistance restrictions with respect to propositions, committees or candidates other than their own; to provide that all independent expenditures must be reported in accordance with rules and filing dates pertaining to political committees; to revise the time period for an election cycle, the dates for filing reports and to authorize the Board of Supervisors of Elections to prescribe a schedule for filing of reports in the case of a special

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election; to clarify that election reports must be filed whether or not the candidate's name appears on the ballot, the candidate withdraws subsequent to filing his certificate of candidacy or the candidate is unsuccessful; to provide for the use of forms other than the forms prescribed by the Board of Supervisors of Elections, with prior Board approval; and to make certain clarifying language changes.

Ordinance No. 16-89

Ray Sherbill of the Board of Supervisors of Elections noted that the intent of the proposed changes is to clarify the law by making technical corrections with some minor substantive changes. Discussion followed as to the deletion of the term "political organization" in the ordinance and the redefinition of the term "political committee." Mr. Sherbill noted that the Board had problems during the last election in differentiating between political organization and political committee and reiterated the Board's position that use of the term "political committee" facilitates uniform application of the ordinance to entities which had been previously been defined separately. Additionally, it was noted that the definition is broad and encompasses any group which has as a principal purpose to assist or attempt to assist in any manner the promotion of the success or defeat of any candidate, principle or proposition.

Discussion ensued regarding the reporting requirements of political action committees. It was discussed and agreed that Section 4-53(b) would be amended to provide that if a committee has on file a current campaign fund report with either the State of Maryland or Montgomery County, then the identification of that campaign report by the committee that received the contribution would be sufficient to comply with the reporting requirements of the subsection.

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Councilmember Coyle asked Mr. Sherbill if there was any finding of illegal activity in the last election. Mr. Sherbill responded that while the Board did request an organization to file a report which was late, he did not consider use of the the term "illegal" appropriate.

With respect to the requirement of Section 4-62 that candidates must receive prior approval by the Board for use of a reporting form other than that prescribed by the Board, Councilmember Abrams suggested the addition of post approval as well. Only Councilmember Hovsepian agreed with this proposed change.

Councilmember Abrams moved to amend the ordinance to incorporate the changes recommended by the Board of Supervisors of Elections subsequent to the introduction of the ordinance on April 24, and including the amendment to Section 4-53(b) approved by the Mayor and Council to read as follows: "except that if the committee has on file a current campaign fund report with either the State of Maryland or Montgomery County, then the identification of that campaign report by the committee that received the contribution would be sufficient to comply with the terms of this subsection." Said motion was duly seconded and unanimously passed. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 16-89, the full text of which can be found in Ordinance Book No. 14-89 of the Mayor and Council, was adopted, as amended, to amend Chapter 4 of the "Laws of Rockville" entitled "Elections."

Re: New Business

Councilmember Hovsepian noted that she liked the new format in the minutes for reporting the action on consent agenda items.

Mayor Duncan stated that the Planning Commission called a special meeting regarding the Standard Traffic Methodology in Town Center and throughout Rockville, in particular regarding approvals of the Whalen development in Courthouse Square and renovation of the Twinbrook Safeway. It was agreed that the Mayor and Council would hold

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a worksession with the Planning Commission in the near future but that the Planning Commission would proceed with their approval process for the Whalen development on Wednesday evening. Staff will prepare options for review at the worksession which will be scheduled in the next month or two.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:20 p.m., to convene again in Worksession at 7:30 p.m. on Wednesday, May 24, 1989, or at the call of the Mayor.